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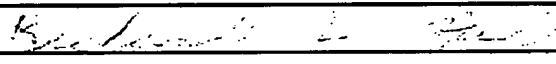
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	First Named Inventor	Barrett	
	Art Unit	3673	
	Examiner Name	Trettel	
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ENCLOSURES (Check all that apply)		
☐ Fee Transmittal Form ☐ Fee Attached	☐ Drawing(s) ☐ Licensing-related Papers	☐ After Allowance Communication to TC
☐ Amendment/Reply ☐ After Final ☐ Affidavits/declaration(s)	☐ Petition ☐ Petition to Convert to a Provisional Application ☐ Power of Attorney, Revocation ☐ Change of Correspondence Address	☒ Appeal Communication to Board of Appeals and Interferences ☒ Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
☐ Extension of Time Request ☐ Express Abandonment Request ☐ Information Disclosure Statement	☐ Terminal Disclaimer ☐ Request for Refund ☐ CD, Number of CD(s) _____ ☐ Landscape Table on CD	☐ Proprietary Information ☐ Status Letter ☐ Other Enclosure(s) (please identify below):
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Yusuf M. Barrett

Serial No. 10/684,954

Group Art Unit: 3673

Filed: 10/15/2003

Examiner: Trettel

For: ANIMAL-SHAPED SLEEPING AREA FOR CHILDREN

BRIEF ON APPEAL

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i) **Real Party in Interest**

The real party in interest is Yusuf M. Barrett, the inventor/appellant.

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ii) Related Appeals and Interferences

There are no other related appeals or interferences.

iii) Status of Claims

Claims 1, 3-5, 8, 9, 11-16, 19, and 20 are all the claims pending in this case.

Claims 2, 6, 7, 10, 17, and 18 have been cancelled. Claims 1, 3-5, 8, 9, 11-16, 19, and 20 are on appeal.

iv) **Status of Amendments**

No amendments have been presented following the latest final rejection. To the extent that the Office Action Summary and the rejection fail to indicate that claim 9 is pending and rejected and to the extent that the Office Action Summary fails to indicate that claims 8 and 9 are rejected, appellant assumes that these claims are in the application and have been rejected. It is assumed that the examiner will make the appropriate correction in the Examiner's Answer rather than reopening prosecution and subjecting appellant to yet another three-month delay.

v) **Summary of Claimed Subject matter**

This invention may be best understood with reference to Figs. 1-3.

This invention is concerned with a device which allows a child to have his or her own personal place. In this Summary, the description of the claimed subject matter is divided into several groups. Claims 1, 5, 9, 11, and 12 are considered as a single group. Claim 3 is considered as a single unit. Claim 4 is considered as a single unit. Claim 8 is considered as a single unit. Claims 13-16 19, and 20 are considered as a single group.

The child served by this invention may use the structure of this invention in which to take a nap.

Relative to claims 1, 5, 9, 11, and 12, the structure is made up of a hollow, three-dimensional, free-standing animal-shaped structure (page 2, lines 18-20, Figs. 1-3, Numeral 2). The structure is of such a size as to allow a child to fit at least partially inside (page 2, lines 21 and 22, Fig. 2). The structure has features of a real animal (page 2, lines 19-21, Figs. 1-3, Numerals 4, 6, and 8). The structure is made of inflatable airtight material (page 3 lines 16-20). The structure has a swinging-door entrance for the child, which is of such a size as to allow the child to crawl into the structure without changing the size of the entrance (page 3, lines 3 and 4), Fig 2.

Relative to claim 3, the animal has a mouth and the entrance for the child is in the mouth (paragraph bridging pages 2 and 3, Fig. 2).

Relative to claim 4, the animal has a chest and the entrance for the child is at the chest of the animal (paragraph bridging pages 2 and 3, Fig. 3).

Relative to claim 8, the animal has eyes that light up (page 3, line 8).

Relative to Claims 13-16, 19, and 20, the structure is made up of a hollow, three-dimensional, free-standing animal-shaped structure (page 2, lines 18-20, Figs. 1-3, Numeral 2). The structure is of such a size as to allow a child to fit at least partially inside (page 2, lines 21 and 22, Fig. 2). The structure has features of a real animal (page 2, lines 19-21, Figs. 1-3, Numerals 4, 6, and 8). The structure is made of soft, padded fabric (page 3, lines 12-15). The structure has a swinging-door entrance for the child (page 3, lines 3 and 4, Fig. 1, Numeral 16) which is of such a size as to allow the child to crawl into the structure without changing the size of the entrance (page 3, lines 3 and 4), Fig 2.

vi) **Grounds of Rejection to be Reviewed on Appeal**

Whether claims 1, 3-5, 8, 9, 11-16, 19, and 20 are properly rejected under 35 USC 103(a) as being unpatentable over Berman in view of Yercha et al.

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vii) Argument

Rejection of claims 1, 3-5, 8, 9, 11-16, 19, and 20 under 35 USC103(a) as being unpatentable over Berman in view of Yercha et al

Claims 1, 5, and 9

The discussion of this grouping of claims will be limited to independent claim 1.

Claim 5 depends upon claim 1. Claim 9 depends upon claim 5.

Claim 1 is considered to be patentable for the reasons set forth below. Once generic claim 1 is patentable over the prior art, the narrower dependent claims 5 and 9 are patentable, as see In re Fine, 5 USPQ2d 1596, (Fed. Cir. 1988).

The propriety of a rejection under 35 USC 103(a) is determined by determining whether the four factual inquiries set forth in the decision of Graham v. John Deere, 148 USPQ 459 (Sup. Ct. 1966) have been resolved and whether the three basic criteria set forth in Section 706.02(j) of the M.P.E.P. have been met.

The first Graham factual inquiry is the determination of the scope and content of the prior art. This factual inquiry requires that the examiner makes an accurate statement as to the teachings of the prior art. The examiner actually states that Yercha et al teach that it is well known in the art to produce a play enclosure for a child that takes the form of an animal.... In actuality, the tent disclosed by Yercha et al has a first end which is straight, a bottom which is straight, a top which is straight, and a second end which contains the outline of the front of an animal. It is appellant's position that this cannot accurately be said to be an enclosure that takes the form of an animal. It is appellant's position that the examiner has not made an accurate determination of the scope and

content of the prior art. Thus, it is appellant's position that the first Graham factual inquiry has not been resolved.

The second Graham factual inquiry is ascertaining the differences between the prior art and the claims at issue. To resolve this factual inquiry the examiner must state what is taught by the primary reference, what is required by the claims, and the difference between the teachings of the primary reference and the requirements of the claims. The examiner has failed to accurately state what is taught by the primary reference. The examiner has failed to state what is required by claim 1. The examiner has failed to state the difference between what is taught by the primary reference and what is required by claim 1. It is appellant's position that the examiner has completely failed to resolve the second Graham factual inquiry.

The third Graham factual inquiry is the determination of the level of skill possessed by one skilled in the art. Is one of ordinary skill a mechanical engineer? Is one of ordinary skill a child who uses the structure of the claims? Is one of ordinary skill a parent who has purchased one of appellant's structures? Since what might be obvious to one of these persons might not be obvious to another, the determination of the level of skill of one of ordinary skill in the art is a necessary factor in making a reasoned determination of the correctness of the rejection.

Regarding the necessity of determining the level of ordinary skill in the pertinent art, the comments of the CAFC are pertinent and are called to the attention of the Board. The Fed. Cir. stated in the decision of *Ryko Manufacturing Co. v. Nu-Star, Inc.*, 21 USPQ2d 1053, 1057 (Fed. Cir. 1991):

Appellant asserts legal error in the failure of the district court to resolve the level of ordinary skill in the art. The importance

of resolving the level of ordinary skill in the art lies in the necessity of maintaining objectivity in the obviousness inquiry. Instead of ascertaining what was subjectively obvious to the inventor at the time of invention, the court must ascertain what would have been objectively obvious to one of ordinary skill in the art at such time. Hence, the level of ordinary skill in the art is a factual question that must be resolved and considered. (Emphasis added.)

In order to apply an objective standard in determining the obviousness of appellant's invention, it is necessary that this determination be made by the examiner. This has not been done. Thus, the third factual inquiry required by the Graham decision has not been resolved. Should the examiner have wished to resolve this Graham factual inquiry, he would have had ample guidance. The decision of *Environmental Designs, Ltd. v. Union Oil Co.*, 218 USPQ 865 (Fed. Cir. 1983) offers six factors to be considered in determining the level of one of ordinary skill. These are: educational level of the inventor, type of problems encountered in the art, prior art solutions, rapidity of innovation, sophistication of technology, and educational level of active workers in the field.

The finding of the level of skill of one of ordinary skill in the art is more than a mere matter of courtesy on the part of the examiner. The determination of the level of skill of one of ordinary skill in the art is one of the four required Graham factual inquiries, and hence is a material issue. 5 USC 557 requires that finding and conclusions and the reasons or basis therefor on all the material issues of fact, law, or discretion be presented on the record. It is apparent that this record is woefully incomplete.

In order to make the record as complete as possible, appellant asserts that one skilled in the art would be the parent of a child using the device of this invention. This

parent would have a college degree and no training in the field of sleeping area designs for children.

The fourth Graham factual inquiry is the consideration of objective evidence present in the application indicating obviousness or non-obviousness. There is no objective evidence of record and this factual inquiry is not an issue in this application.

The first of the three criteria spelled out by the M.P.E.P. is that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. The examiner urges that the motivation to create a play enclosure that has a decorative effect that is pleasing and/or attractive to a child would provide the motivation to use the animal type of decorative image or motif upon the Berman tent. This motivation is not found in the references. The examiner states that it is well known in the art to provide a tent with an interior light, and as such the subject matter of claim 20 is within the ordinary level of skill of the art. First, the examiner is called upon to make of record an affidavit which of the type described in 37 CFR 1.104(d)(2) explaining the source of this well-known prior art. Second, the mere fact that "prior art" exists does not mean that the combination of the prior art with two other references is motivated. Hence, the examiner is called upon to provide both the existence of the "prior art" and explain the motivation for combining that "prior art" with the two cited references. The examiner has not identified the source of the knowledge generally available to one of ordinary skill in the art. It is important that the examiner correctly and precisely identify the source of any motivation so as to avoid the appearance of using

hindsight. It is appellant's position that the motivation requirement of the M.P.E.P. has not been met.

The second criterion set out by the M.P.E.P. is the requirement that there is a reasonable expectation of success resulting from the suggested combination of references. It is appellant's position that there would be a reasonable expectation of success if one would substitute the tent of Yercha et al for one of the forms taught by Berman. It is appellant's position that there would not be an expectation of success if one were to substitute the animal taught by Yercha et al for one of the forms taught by Berman as there would be too much open space and balance would be a problem. To achieve subject matter which could anticipate the claims one would have to substitute the animal taught by Yercha et al, not the tent taught by Yercha et al. Therefore, it is seen that one skilled in the art would not anticipate success if the references were combined in a way as to read on the claims.

The third criterion set out by the M.P.E.P. is that the combination of references must teach or suggest all of the claim limitations. It appears that the examiner is urging that the references would make it obvious to use an animal-type motif on the Berman tent. The claims would not be anticipated by an animal-type motif on an inflated tent of Berman. In order to show what is being claimed, the examiner must show a combination of references which would result in a free-standing animal-shaped structure. This has not been done.

Claim 3

Claim 1 is considered to be patentable for the reasons set forth above. Once a generic claim is patentable over the prior art, a narrower dependent claim is patentable, as

see In re Fine, 5 USPQ2d 1596, (Fed. Cir. 1988). As appropriate for claim 3, the four Graham factual inquiries and the three criteria set out in the M.P.E.P. will be discussed.

The first Graham factual inquiry is the determination of the scope and content of the prior art. The examiner has not urged that the animal of Yercha et al has a mouth and that the entrance for the child is located at the mouth of the animal. As regards to the limitation of claim 3, the examiner is correct as the prior art does not contain this teaching.

The second Graham factual inquiry is ascertaining the differences between the prior art and the claim at issue. The examiner has not ascertained the specific difference recited in claim 3. Thus the second Graham factual inquiry has not been resolved.

The third Graham factual inquiry is the determination of the level of skill possessed by one skilled in the art. For the reasons adequately set forth above, it is appellant's position that the examiner has not resolved this factual inquiry.

The fourth Graham factual inquiry is considering objective evidence present in the application indicating obviousness or non-obviousness. No such evidence is present in this application.

The first criterion set out by the M.P.E.P. is the requirement that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. As the examiner has ignored the difference required in claim 3, it is clear that the examiner has not pointed to any motivation in the references which would suggest combining the references to be relative to this difference. It is appellant's position that the motivation requirement of the M.P.E.P. has not been met.

The second criterion set out in the M.P.E.P. is that there must be a reasonable expectation of success resulting from the suggested combination of references. If, somehow, the animal-type motif shown by the secondary reference were imposed onto the tent taught by the primary reference, this tent would be assumed to be operative.

The third criterion set out in the M.P.E.P. is that is that the combination of references must teach or suggest all of the claim limitations. Understandably, the examiner has ignored the requirement of claim 3. No matter how the primary and secondary references are combined, a structure in which there is a free-standing animal in which the animal has a mouth and the entrance for the child is located at the mouth could not be produced. It is appellant's position that the third criterion set forth by the M.P.E.P. has not been met.

Claim 4

Claim 1 is considered to be patentable for the reasons set forth above. Once a generic claim is patentable over the prior art, a narrower dependent claim is patentable, as see In re Fine, 5 USPQ2d 1596, (Fed. Cir. 1988). As appropriate for claim 4, the four Graham factual inquiries and the three criteria set out in the M.P.E.P. will be discussed.

The first Graham factual inquiry is the determination of the scope and content of the prior art. The examiner has not urged that the animal of Yercha et al has a chest and that the entrance for the child is located at the chest of the animal. As regards to the limitation of claim 4, the examiner is correct in omitting any reference to a chest having an entrance for a child as the prior art does not contain this teaching.

The second Graham factual inquiry is ascertaining the differences between the prior art and the claim at issue. The examiner has not ascertained the specific difference recited in claim 4. Thus the second Graham factual inquiry has not been resolved.

The third Graham factual inquiry is the determination of the level of skill possessed by one skilled in the art. For the reasons adequately set forth above, it is appellant's position that the examiner has not resolved this factual inquiry.

The fourth Graham factual inquiry is considering objective evidence present in the application indicating obviousness or non-obviousness. No such evidence is present in this application.

The first criterion set out by the M.P.E.P. is the requirement that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. As the examiner has ignored the difference required in claim 4, it is clear that the examiner has not pointed to any motivation in the references which would suggest combining the references to be relative to this difference. It is appellant's position that the motivation requirement of the M.P.E.P. has not been met.

The second criterion set out in the M.P.E.P. is that there must be a reasonable expectation of success resulting from the suggested combination of references. If, somehow, the animal-type motif shown by the secondary reference were imposed onto the tent taught by the primary reference, this tent would be assumed to be operative.

The third criterion set out in the M.P.E.P. is that is that the combination of references must teach or suggest all of the claim limitations. Understandably, the examiner has ignored the requirement of claim 4. No matter how the primary and

secondary references are combined, a structure in which there is a free-standing animal in which the animal has a chest and the entrance for the child is located at the chest could not be produced. It is appellant's position that the third criterion set forth by the M.P.E.P. has not been met.

Claim 8

Claim 1 is considered to be patentable for the reasons set forth above. Once a generic claim is patentable over the prior art, a narrower dependent claim is patentable, as see In re Fine, 5 USPQ2d 1596, (Fed. Cir. 1988). Claim 5 depends on claim 1 and claim 8 depends on claim 5. As appropriate for claim 8, the four Graham factual inquiries and the three criteria set out in the M.P.E.P. will be discussed.

The first Graham factual inquiry is the determination of the scope and content of the prior art. The examiner has not urged that the animal of Yercha et al has eyes that light up. As regards to the limitation of claim 8, the examiner is correct as the prior art does not contain this teaching.

The second Graham factual inquiry is ascertaining the differences between the prior art and the claim at issue. The examiner has not ascertained the specific difference recited in claim 8. Thus the second Graham factual inquiry has not been resolved.

The third Graham factual inquiry is the determination of the level of skill possessed by one skilled in the art. For the reasons adequately set forth above, it is appellant's position that the examiner has not resolved this factual inquiry.

The fourth Graham factual inquiry is considering objective evidence present in the application indicating obviousness or non-obviousness. No such evidence is present in this application.

The first criterion set out by the M.P.E.P. is the requirement that there be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. As the examiner has ignored the difference required in claim 8, it is clear that the examiner has not pointed to any motivation in the references which would suggest combining the references to be relative to this difference. It is appellant's position that the motivation requirement of the M.P.E.P. has not been met.

The second criterion set out in the M.P.E.P. is that there must be a reasonable expectation of success resulting from the suggested combination of references. If, somehow, the animal-type motif shown by the secondary reference were imposed onto the tent taught by the primary reference as suggested by the examiner, this tent would be assumed to be operative.

The third criterion set out in the M.P.E.P. is that is that the combination of references must teach or suggest all of the claim limitations. Understandably, the examiner has ignored the requirement of claim 8 that the animal has eyes that light up. No matter how the primary and secondary references are combined, a structure in which there is a free-standing animal in which the animal has eyes that light up could not be produced. It is appellant's position that the third criterion set forth by the M.P.E.P. has not been met.

Claims 11 and 12

Claims 11 and 12 are directed to the method in which the structure of this invention is used. As appropriate for these claims the four Graham factors and the three basic criteria of the M.P.E.P. will be discussed.

The first Graham factual inquiry is the determination of the scope and content of the prior art. This factual inquiry requires that the examiner makes an accurate statement as to the teachings of the prior art. The examiner actually states that Yercha et al teach that it is well known in the art to produce a play enclosure for a child that takes the form of an animal.... In actuality, the tent disclosed by Yercha et al has a first end which is straight, a bottom which is straight, a top which is straight, and a second end which contains the outline of the front of an animal. It is appellant's position that this cannot accurately be said to be an enclosure that takes the form of an animal. It is appellant's position that the examiner has not made an accurate determination of the scope and content of the prior art. Thus, it is appellant's position that the first Graham factual inquiry has not been resolved.

The second Graham factual inquiry is ascertaining the differences between the prior art and the claims at issue. To resolve this factual inquiry the examiner must state what is taught by the primary reference, what is required by the claims, and the difference between the teachings of the primary reference and the requirements of the claims. The examiner has failed to accurately state what is taught by the primary reference. The examiner has failed to state what is required by claim 11. The examiner has failed to state the difference between what is taught by the primary reference and what is required by claim 11. It is appellant's position that the examiner has completely failed to resolve the second Graham factual inquiry.

The third Graham factual inquiry is the determination of the level of skill possessed by one skilled in the art. This issue has been thoroughly discussed above. Appellant's Appeal Brief filed July 11, 2006 proposed that one of ordinary skill in the art

would be the parent of a child using the device of this invention. The level of skill possessed by one of ordinary skill in the art would be a college education with no training in the field of sleeping area designs for children.

The fourth Graham factual inquiry is the consideration of objective evidence present in the application indicating obviousness or non-obviousness. There is no objective evidence of record and this factual inquiry is not an issue in this application.

The first of the three criteria spelled out by the M.P.E.P. is that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. The examiner, in discussing the structure, urges that the motivation to create a play enclosure that has a decorative effect that is pleasing and/or attractive to a child would provide the motivation to use the animal type of decorative image or motif upon the Berman tent. This motivation is not found in the references. First, the examiner is called upon to make of record an affidavit which of the type described in 37 CFR 1.104(d)(2) explaining the source of this well-known prior art. Second, the mere fact that "prior art" exists does not mean that the combination of the prior art with two other references is motivated. Hence, the examiner is called upon to provide both the existence of the "prior art" and explain the motivation for combining that "prior art" with the two cited references. The examiner has not identified the source of the knowledge generally available to one of ordinary skill in the art. It is important that the examiner correctly and precisely identify the source of any motivation so as to avoid the appearance of using hindsight. It is appellant's position that the motivation requirement of the M.P.E.P. has not been met.

The second criterion set out by the M.P.E.P. is the requirement that there is a reasonable expectation of success resulting from the suggested combination of references. It is appellant's position that there would be a reasonable expectation of success if one would substitute the tent of Yercha et al for one of the forms taught by Berman. It is appellant's position that there would not be an expectation of success if one were to substitute the animal taught by Yercha et al for one of the forms taught by Berman as there would be too much open space and balance would be a problem. To achieve structure which would be used in the claimed method one would have to substitute the animal taught by Yercha et al, not the tent taught by Yercha et al. Therefore, it is seen that one skilled in the art would not anticipate success if the references were combined in a way as to read on the claims.

The third criterion set out by the M.P.E.P. is that the combination of references must teach or suggest all of the claim limitations. It appears that the examiner is urging that the references would make it obvious to use an animal-type motif on the Berman tent. The structure used in the claims would not be anticipated by an animal-type motif on an inflated tent of Berman. In order to show the structure being used in claims 11 and 12, the examiner must show a combination of references which would result in a free-standing animal-shaped structure. This has not been done.

Claims 13-16, 19, and 20

The discussion of this grouping of claims will be limited to independent claim 13, from which claims 14-16, 19, and 20 directly depend. Claim 13 is considered to be patentable for the reasons set forth below. Once generic claim 13 is shown to be

patentable over the prior art, the narrower dependent claims 14-16, 19, and 20 are patentable, as see In re Fine, 5 USPQ2d 1596, (Fed. Cir. 1988).

The propriety of a rejection under 35 USC 103(a) is determined by determining whether the four factual inquiries set forth in the decision of *Graham v. John Deere*, 148 USPQ 459 (Sup. Ct. 1966) have been resolved and whether the three basic criteria set forth in Section 706.02(j) of the M.P.E.P. have been met.

The first *Graham* factual inquiry is the determination of the scope and content of the prior art. The examiner has chosen to not comment on claim 13. Therefore it is appellant's position the first *Graham* factual inquiry has not been resolved.

The second *Graham* factual inquiry is ascertaining the differences between the prior art and the claim at issue. The examiner has chosen to not ascertain the differences between claim 13 and the prior art. Thus it is appellant's position that the second *Graham* factual inquiry has not been resolved.

The third *Graham* factual inquiry is the determination of the level of skill possessed by one skilled in the art. Since the examiner has chosen to not comment on this issue, appellant considers that this factual inquiry has not been resolved.

The fourth *Graham* factual inquiry is considering objective evidence present in the application indicating obviousness or non-obviousness. No such evidence is present in this application.

The first criterion set out by the M.P.E.P. is the requirement that there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the references or to combine the reference teachings. As the examiner has chosen to not comment on claim

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13, it is appellant's position that the examiner has not pointed to any motivation in the references which would suggest combining the references. It is appellant's position that the motivation requirement of the M.P.E.P. has not been met.

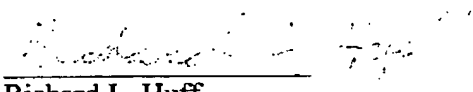
The second criterion set out in the M.P.E.P. is that there must be a reasonable expectation of success resulting from the suggested combination of references. As the examiner has chosen to not comment on claim 13, it is appellant's position that the examiner has not shown that there would be a reasonable expectation of success if the references were combined.

The third criterion set out in the M.P.E.P. is that is that the combination of references must teach or suggest all of the claim limitations. The examiner has chosen to not comment on this requirement. It is appellant's position that the third criterion set forth by the M.P.E.P. has not been met.

A rejection must be held to be improper if any one of the four Graham inquiry factors or the three M.P.E.P. criteria is not fully satisfied. In the above rejections, almost without exception, the examiner has not satisfied any of these.

For the reasons set forth above, it is considered that the rejection of claims 1, 3-5, 8, 9, 11-16, 19, and 20 is improper and should be reversed.

Respectfully Submitted,


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viii) Claims Appendix

1. A hollow, three-dimensional, free-standing animal-shaped structure for providing a place for a child to take a nap, said structure being of such a size as to allow a child to fit at least partially inside, said structure having features of a real animal, said structure being made of inflatable air-tight material, and said structure having an entrance for the child, said entrance having a swinging door, and said entrance being of such a size as to allow the child to crawl into the structure without changing the size of the entrance.
3. The structure of claim 1, wherein the animal has a mouth and the entrance for the child is located at the mouth of the animal.
4. The structure of claim 1, wherein the animal has a chest and the entrance for the child is located at the chest of the animal.
5. The structure of claim 1, wherein the structure has a floor.
8. The structure of claim 5, wherein the animal has eyes that light up.
9. The structure of claim 5, wherein a dim light is located inside the animal.
11. A method for a child to take a nap comprising crawling at least partially into a hollow, three-dimensional, free-standing animal-shaped structure for providing a place for the child to take a nap, said structure being of such a size as to allow the child to fit at least partially inside, said structure having features of a real animal, said structure having an entrance for the child, said entrance having a swinging door, and said entrance being of such a size as to allow the child to crawl into the structure without changing the size of the entrance, and lying down.
12. The method of claim 11, wherein the hollow, animal-shaped structure is made of padded fabric or air-tight material.

13. A hollow, three-dimensional, free-standing animal shaped structure for providing a place for a child to take a nap, said structure being of such a size as to allow a child to fit at least partially inside, said structure having features of a real animal, said structure being made of padded fabric, and said structure having an entrance for the child, said entrance having a swinging door, and said entrance being of such a size as to allow the child to crawl into the structure without changing the size of the entrance.

14. The structure of claim 13, wherein the animal has a mouth and the entrance for the child is located at the mouth of the animal.

15. The structure of claim 13, wherein the animal has a chest and the entrance for the child is located at the chest of the animal.

16. The structure of claim 13, wherein the structure has a floor.

19. The structure of claim 13, wherein the animal has eyes that light up.

20. The structure of claim 13, wherein a dim light is located inside the animal.

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ix) Evidence Appendix

None

x) **Related Proceedings Appendix**

None
